

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

MELVIN BANKS, on behalf of himself
and All Others Similarly Situated,

Plaintiff,

vs.

Case No.: 2:15-cv-00105-JVB-JEM

CENTRAL REFRIGERATED SERVICES,
INC., a Utah Corporation,

Defendant.

DEFENDANT’S MOTION TO DISMISS FOR LACK OF STANDING

Pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, Defendant Central Refrigerated Services, Inc. (“Central”)¹ hereby moves the Court to dismiss Plaintiff Melvin Banks’ Class Action Complaint (“Complaint”) with prejudice as to all claims, on the grounds that Plaintiff’s claims are moot. Central has made a settlement offer to Banks, the sole plaintiff, that provides him with all the relief to which he would be entitled if he were to prevail in this action. As Banks’ claims are moot, there is no case or controversy, and this lawsuit must be dismissed with prejudice pursuant to Rule 12(b)(1). For these reasons, and the reasons set forth in the accompanying Memorandum of Law in Support of Defendant’s Motion to Dismiss, Central respectfully requests that the Court enter an order dismissing all of the claims in the Complaint with prejudice.

¹ As discussed in more detail in Defendant’s Corporate Disclosure Statement, Central Refrigerated Services, Inc. no longer exists. In or around January 31, 2014, the entity was converted to a Delaware limited liability company and is now known as “Central Refrigerated Services, LLC.”

Respectfully submitted,

SNELL & WILMER L.L.P.

s/Joseph A. Kroeger

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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of May, 2015, a true and accurate copy of the foregoing ***Motion to Dismiss*** was filed electronically. Notice of this filing will be sent to counsel of record by regular U.S. mail and/or operation of the Court's electronic filing system. The following parties of record may access this filing through the Court's system:

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